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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Teddy Kosoglou et al.

Serial No.: 10/056,680

Filed: January 25, 2002

For: Combinations of Sterol
Absorption Inhibitor(s) with Blood
Modifier(s) for Treating Vascular
Indications

Examiner: Mojdeh Bahar

Group Art Unit: 1617

Atty. Docket No.: CV01492K

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

This is in response to the Office Action mailed on August 27, 2003, in the above-identified patent application.

Claims 1-48 are pending in the application. A two-way restriction requirement and an election of species requirement were set forth at pages 2-3 of the Office Action. For brevity, these rejections are not repeated herein but reference is made to the Office Action.

Applicants respectfully traverse the restriction and election of species requirements and assert that there is no undue burden on the examiner to search the subject matter of both Groups I and II. Therefore, reconsideration and withdrawal of the restriction requirement and election of species requirement is respectfully requested.

PROVISIONAL RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

To facilitate prosecution of the application and in order to comply with the Examiner's requirements, Applicants hereby provisionally elect with traverse the claims of Group 1 (claims 1-45 and 47) for initial examination in this application.

In response to the election of species requirement, Applicants provisionally elect with traverse aspirin as the blood modifying agent for initial examination in this application.

Applicants provisionally elect with traverse the compound of Formula (II) (shown at page 20 of the specification) in response to the Examiner's election of

species requirement of a sterol absorption inhibitor for initial examination in this application.

Applicants provisionally elect with traverse simvastatin, a HMG CoA reductase inhibitor, in response to the Examiner's election of species requirement of a third therapeutic agent for initial examination in this application.

Examination on the merits for the pending claims is respectfully requested. Applicants also respectfully request that the Examiner initial and return the PTO-1449 forms indicating consideration of the Information Disclosure Statements of August 26, 2002 (electronically filed), January 16, 2003, April 16, 2003, April 28, 2003, June 5, 2003 and June 9, 2003.

Respectfully submitted,

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Date: September 9, 2003


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